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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,566	08/09/2000	Michael J. Seaman	CMET 1001-2	5067

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,566

Applicant(s)

SEAMAN ET AL.

Examiner

Timothy M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Non-Final Office Action is responsive to the communication mailed January 19, 2005.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 8-13, 15, 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Daleen et al. (US 6,493,722).

Applicants' invention is a computerized method for providing services over a service provider infrastructure wherein a first user identifies a service to be obtained using a computer interface, and wherein an offer to participate in the identified service is communicated to a second user. If the second user accepts the service, a process is executed by which the identified service is provided to the first and second user over the service provider infrastructure.

Daleen et al. anticipate the invention by disclosing a group purchasing system wherein a first user indicates acceptance (i.e. identifies) a particular service in response to an offer that is received from a service provider (Fig. 5, chars. 508, 510; col. 3, lines 1-10). Upon accepting the particular service, the offer to participate in the identified service is communicated to a second user who may participate in the identified service by communicating an acceptance of the identified service (Id.). Daleen et al. further provide that the first and second user may negotiate (i.e. execute and offer and

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acceptance) for the indicated service (Fig. 6, char. 608). Finally, Daleen et al. disclose providing the service over a service provider infrastructure through their description of providing gas, water, communication, and utility services (col. 4, lines 31-40). Daleen et al. therefore anticipate the subject matter of the claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Knowlton et al. (US 6,141,006).

Daleen et al. disclose all the features discussed above. Daleen et al. do not expressly disclose creating a logical instance of the service on behalf of the first party, or creating a logical instance of the second party's acceptance of the service. However, Knowlton et al. teach a method for executing business transactions comprising creating visual link objects representative of the content of the visual link object (abstract; col. 3, lines 47-63). At the time of Applicants' invention, it would have been obvious to modify the method disclosed by Daleen et al. with Knowlton et al.'s teaching of visual link objects since this combination would provide a means for quickly identifying the content of Daleen et al.'s service offer.

Claims 3, 14, 17, 21, 22, 26-40, 43 and 48-54 are rejected under 35 U.S.C. 103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice.

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Regarding claims 3, 21, 22, 26-31, 33-35, 37-39, 48-52 and 54 Daleen et al. disclose all the limitations noted above. Daleen et al. do not expressly teach verifying that the service provider accounts of the first party and the second party support the particular service. However, this limitation simply reads on reviewing the orders of the first and second parties, a practice that is old and well known in the procurement art. Thus, at the time of Applicants' invention, it would have been obvious for one of ordinary skill in the art to modify Daleen et al. with a step wherein support of the particular service by the service accounts of the first and second parties is verified. This combination would ensure that the first and second parties obtain a service that they intended to purchase.

Regarding claims 14, 32, and 53, Daleen et al. disclose all the limitations discussed above. Daleen et al. do not expressly teach communicating with users through XML protocol. However, providing electronic communication through XML is old and well known. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Daleen et al. to include XML protocol in order simplify the programming of the data exchange protocol.

Regarding claim 17 and 36, Daleen et al. teaches all the limitations discussed under claim 1. Daleen et al. do not expressly teach providing a secure internet protocol. However, the Examiner takes Official Notice that providing secure internet communication is old and well-known in the art. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Daleen

et al. to include providing a secure internet protocol in order to prevent unauthorized access to sensitive information such as payment data.

Regarding claim 40, Daleen et al. and Official Notice disclose all the limitations discussed above. This combination does not expressly disclose a method wherein attributes of the particular communication channel include identifiers of service interfaces for the parties, and data indicating that the channel is to be one of a set including point-to-point, point-to-multipoint, or multipoint-to-multipoint. However, the Examiner takes Official Notice that identifying a client system, such as by an Internet cookie, is old and well-known. The Examiner further notes point-to-point, point-to-multipoint and multipoint-to-multipoint communication channels are old and well-known. Client identifiers provide a means for identifying users and enhance order processing while offering a variety of communication channels would increase sales through product diversity. Therefore, at the time of Applicants' invention, it would have obvious to one of ordinary skill in the art, to modify Daleen et al. to include attributes of the particular communication channel including identifiers of service interfaces for the parties, and data indicating that the channel is to be one of a set including point-to-point, point-to-multipoint, or multipoint-to-multipoint.

Regarding claim 43, Daleen et al. and Official Notice disclose all the limitations discussed above. This combination does not expressly teach a communication network comprising a metropolitan area network, including switches and optical fiber links configured in a tree. However, the Examiner notes this limitation is old and well-known. Therefore, at the time of Applicants' invention, it would have been obvious to one of

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ordinary skill in the art, to modify Daleen et al. to include a communication network comprising a metropolitan area network, including switches and optical fiber links configured in a tree. This combination would enhance the rendition of communication services by improving the routing of data packets.

Claims 23-25 and 45-47 are rejected under 35 U.S.C. 103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice and Knowlton et al. (US 6,141,006).

Daleen et al. and Official Notice disclose all the features discussed above. Daleen et al. and Official Notice do not expressly disclose creating a logical instance of the service on behalf of the first party, or creating a logical instance of the second party's acceptance of the service. However, Knowlton et al. teach a method for executing business transactions comprising creating visual link objects representative of the content of the visual link object (abstract; col. 3, lines 47-63). At the time of Applicants' invention, it would have been obvious to modify the method disclosed by Daleen et al. with Knowlton et al.'s teaching of visual link objects since this combination would provide a visual indication of the content of Daleen et al.'s service offer.

Claims 41, 42 and 44 are rejected under 35 U.S.C. 103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice and Husak (US 6,157,647).

Regarding claim 41, Daleen et al. and Official Notice disclose all the limitations discussed above. Daleen et al. and Official Notice do not expressly teach service interfaces including MAC addresses. However, Husak teaches a method for data

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transmission wherein a destination address comprises a MAC address (col. 3, lines 30-57). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Daleen et al. and Official Notice to include a service interface comprising a MAC address in order to achieve the transmission of services involving data packets.

Regarding claim 42, Daleen et al. and Official Notice disclose all the limitations discussed above. This combination does not expressly teach a method wherein the unique network addresses comprise MAC addresses, and the tag comprises a VLAN tag. However, Husak teaches a method for data transmission wherein a destination address comprises a MAC address and a packet identifier comprises a VLAN tag (col. 3, lines 30-57). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Daleen et al. to include a method wherein the unique network addresses comprise MAC addresses, and the tag comprises a VLAN tag in order to achieve the delivery of communication services through the routed transmission of data packets.

Regarding claim 44, Daleen et al. and Official Notice disclose all the limitations discussed above. Daleen et al. and Official Notice do not expressly disclose wherein said respective service interfaces have MAC addresses, and said process to provision the particular interface includes establishing a VLAN tag to identify packets for use of the particular communication channel, configuring the service interfaces to tag packets for use of the particular communication channel, and configuring switches in the network to route packets to and from the service interfaces in response to the MAC

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addresses and the VLAN tag in the packets. However, Husak teaches a method for data transmission wherein a destination address comprises a MAC address and a packet identifier comprises a VLAN tag (col. 3, lines 30-57). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Daleen et al. and Official Notice to include the teachings of Husak in order to achieve the delivery of communication services through the routed transmission of data packets.

Response to Arguments

Applicant correctly points out that the prior examination of the claims misconstrued Applicants' service infrastructure. The Examiner regrets any inconvenience to Applicants.

Rejection of the Claims under Daleen et al.

Applicant argues Daleen et al. do not teach or suggest a negotiation process whereby a first and a second party agree on the attributes of a service. However, this limitation does not appear in the claims. Rather, the claims require a process wherein a first party identifies the attributes of a service, and an offer to participate in the service is communicated to a second party. There is no negotiation process by which the first and second parties make offers and counteroffers until a bargain is struck. The claims also fail to require a negotiation process in that the offer of participation is not made by the first party.

Note that if the claims were amended to require a negotiation process, Daleen et al. would meet this limitation. Applicants' attention is directed to character 608 of Figure 6 where Daleen et al. disclose buyers contacting one another "to enable negotiations for a group purchase of a service." Thus, Daleen et al. disclose a negotiation process as argued by Applicants.

With respect to Applicants' service provider infrastructure, this feature is taught by Daleen et al. through its description of providing gas, electric, and communication services (see col. 4, lines 32-40). Providing these services necessarily involves an infrastructure to ensure their delivery. Thus, Daleen et al. inherently teaches Applicants' service provider infrastructure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Van Horn et al. (US 6,604,089 B1) Demand aggregation through on-line buying group

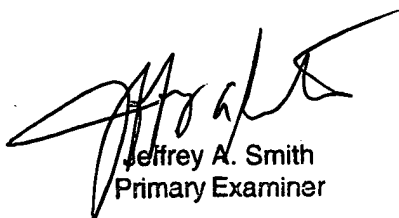
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy M. Brown can be reached on (571) 272-0773. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Brown
Examiner
Art Unit 1648

tmb



Jeffrey A. Smith
Primary Examiner